

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PENNY BOURGEOIS,

Plaintiff,

v.

PENTEC HEALTH, INC.,

Defendant.

Case No. [23-cv-06375-HSG](#)

**ORDER REGARDING MOTION FOR
LEAVE TO FILE SUPPLEMENTAL
EVIDENCE IN SUPPORT OF MOTION
FOR SUMMARY JUDGMENT**

Re: Dkt. No. 60


Pending before the Court is Defendant Pentec Health, Inc.'s motion for leave to supplement the evidence in support of its motion for summary judgment. Dkt. No. 60. Specifically, Defendant would like to include transcript excerpts from the deposition of Plaintiff's expert. *Id.* The briefing on the motion for summary judgment is complete and the Court took the motion under submission. *See* Dkt. No. 55. However, the relevant deposition occurred *after* the briefing was complete. This is a direct result of the parties' requested schedule. *Compare* Dkt. No. 16 at 7 *with* Dkt. No. 19. They requested that expert discovery close on January 10, 2025, after the briefing and hearing on dispositive motions. *Id.* This sequencing was evidently not well thought-through, and the Court is not inclined to entertain piecemeal requests to supplement the record on the motion for summary judgment while expert discovery remains ongoing.

To promote efficiency and ensure fairness to both sides, the Court therefore **DIRECTS** the parties to meet and confer following the close of expert discovery on January 10. The parties may each submit any supplemental evidence in support of or in opposition to the motion for summary judgment by January 17, 2025. In addition to the new evidence itself, the parties are each limited to no more than ten pages discussing the import of this evidence. The parties may then each file by January 24, 2025, a response of no more than ten pages addressing the new evidence submitted

by the other side. The parties are cautioned that as a result of their schedule, they likely will need to prepare their pretrial filings before they have the Court's order on the motion for summary judgment. This terminates Dkt. No. 60.

IT IS SO ORDERED.

Dated: 12/19/2024


HAYWOOD S. GILLIAM, JR.
United States District Judge